THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 12th day of December,2007

W.P.No.5287 of 1999

Between:-

M/s. Andhra Cements Ltd., rep. by its
Junior Officer (Coord), E.V.S.R.A.Prasad … Petitioner

and

Assistant Labour Commissioner (C) and
Registering Officer under C.L. (R&A) Act,
Visakhapatnam & another … Respondents

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ORDER:

This Writ Petition is filed challenging Order No.58/14/89-ALC, dated 31-12-1998 passed by the 1st respondent, whereunder, while exercising the powers under Section 8 of the Contract Labour (Regulation and Abolition) Act,1970 (for short 'the Act') read with Rule 20 of the Contract Labour (Regulation and Abolition) Rules,1971, Certificate of Registration bearing No.14/89, dated 28-8-1989 issued to the petitioner-Andhra Cements Limited, Visakhapatnam was amended by duly deleting the contract work of security services (i.e. watching of buildings owned or occupied by the establishment).

There is no necessity of going into all the details.

While admitting the Writ Petition on 16-3-1999, an interim order was passed in W.P.M.P.No.6603 of 1999 suspending the impugned Order. The said order is still subsisting.

It seems, the impugned Order was passed in view of the notification issued by Ministry of Labour, Government of India, New Delhi vide S.O.No.779(E), dated 9-12-1976 prohibiting employment of contract labour for sweeping, cleaning, dusting and watching of buildings owned and occupied by the establishments in respect of which the appropriate Government under the said Act is the Central Government. The said Order dated 9-12-1976 was the subject matter of a decision of a Constitution Bench of the Supreme Court in **STEEL**

AUTHORITY OF INDIA LTD. v. NATIONAL UNION WATER FRONT WORKERS[1] whereunder it was held that the omnibus notification issued under the Act by the Central Government on 9-12-1976 prohibiting employment of contract labour for sweeping etc. is not valid. Therefore, the notification dated 9-12-1976 was set aside. In view of the same, the impugned Order, which was passed basing on the notification dated 9-12-1976 is liable to be set aside and is, therefore, set aside.

Accordingly, the Writ Petition is allowed. No order as to costs.

12-12-2007

prk

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[1] AIR 2001 SC 3527